

How Government Works

An Introduction to Local and
Regional Public Agencies in California



Public Law Section
of the
State Bar of California



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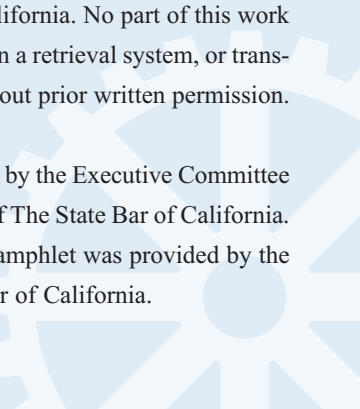
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1. CITIES

Cities are classified as either a charter city or a general law city.

■ Source of Power

A charter city's power comes from the California Constitution. This power is limited only by the charter itself and by statutes (state laws) on matters of statewide concern. Charter provisions grant a charter city extensive authority over its municipal affairs.

A city charter is a voter-approved document that serves as a "local constitution." An amendment or repeal of a charter also must be approved by the voters.

A general law city's power comes from statutes and the California Constitution. A general law city does not have authority over municipal affairs like a charter city does.

■ Who Is In Charge?

Every city is governed by an elected city council that enacts ordinances (local laws), sets policies on land use and other matters, approves programs, appropriates funds and establishes local taxes. The city council also supervises the operations of the city government and the construction of public works.

Cities are typically administered under a city manager form of government. The city manager is appointed by the city council to enforce ordinances, direct daily city operations, prepare the city budget, and implement the council's policies and programs.

The city attorney is the legal adviser for the city and advises the city council, the city manager and city staff (but not individual members of the public). Additionally, the city attorney represents the city in lawsuits and prepares ordinances, contracts and other legal documents. The city attorney is usually an appointed official, but in some cities the position is elected.

The city clerk maintains records of all city transactions and manages city elections. In most cities, the city clerk is an appointed position.



2. SCHOOL DISTRICTS

The most important role in the education of California students is played by the local school district and the school board that governs it.

■ The Public School System

The State Board of Education develops policies to implement education laws. Members of the State Board are appointed by the Governor.

The California Department of Education administers education laws and resolves disputes between school districts. An elected State Superintendent of Public Instruction oversees this agency.

Between the state level and the local school district are the County Board of Education and the County Superintendent of Schools, which are usually referred to jointly as the County Office of Education. The County Office helps local school districts in areas such as special education, crafts and industrial programs. The County Office also reviews charter school petition denials and labor agreements that involve money allocated to local school districts.

■ Three Types

There are three types of local school districts. Elementary school districts are made up exclusively of elementary schools, while high school districts are made up exclusively of middle and high schools. Unified school districts are made up of elementary, middle and high schools.

In a particular community, an area might have a separate elementary school district and high school district. Alternatively, the area might have one unified school district.

■ Who Is In Charge?

Each local school district is governed by an elected board of education (school board). The school board's responsibilities include selection of the superintendent, principals and staff who will implement the board's policies.

Local school districts also have school site councils at each individual school. This is a group made up of the local parents, school staff, the school principal and, at high schools, students. They help make day-to-day decisions about spending money allocated by the school district to their school.

3. COUNTIES

Counties are classified as either a charter county or a general law county.

■ **Organization**

A charter county has a voter-approved charter. The charter addresses matters such as the election, compensation and powers of county officers. The charter can only be amended or repealed by the voters. There are 13 charter counties including San Bernardino, Los Angeles, Fresno and San Francisco.

A general law county follows state law with regard to the number and duties of elected officials. There are 45 general law counties including Riverside, Contra Costa, Merced and Santa Barbara.

■ **Who Is In Charge?**

Each county is governed by an elected board of supervisors. The board of supervisors enacts ordinances, approves contracts, acquires and disposes of county property, and levies and collects county taxes.

There are a number of other important county officers including the treasurer, county clerk, auditor, sheriff, tax collector, district attorney, recorder, assessor, public administrator and coroner. These officers are elected unless the voters have authorized the board of supervisors to fill the positions by appointment.

■ **Services**

Counties provide numerous services including law enforcement, child and adult protective services, public assistance, child support collection, and regional parks.



4. REDEVELOPMENT AGENCIES

Redevelopment agencies help eliminate blight in declining urbanized areas by creating new jobs and promoting new or improved development, affordable housing and public infrastructure.

■ Establishment and Financing

The California Redevelopment Law authorizes each city and county to establish a redevelopment agency as a separate public agency. Often, the city council or county board of supervisors also serves as the governing board of the redevelopment agency.

A redevelopment agency is financed through property tax increment, which is a portion of the pre-existing property tax structure. This form of financing does not impose new property taxes in the community.

A redevelopment agency uses property tax increment funds to finance the acquisition and development of generally blighted property. Property tax increment funds also are used on public infrastructure and to preserve, rehabilitate and produce affordable housing for low and moderate-income families.

■ Public Participation

The public can participate in city council or county board of supervisor meetings regarding the establishment of a redevelopment agency. The public also can participate in redevelopment agency public hearings regarding the adoption of redevelopment plans for community areas that have certain types of adverse physical and economic conditions.

A city council or county board of supervisors often will call upon local residents, businesses and community organizations to form a “project area committee.” This committee provides advice on the adoption and implementation of redevelopment plans.

There are other opportunities for the public to participate in the redevelopment process. A redevelopment agency must conduct public hearings before executing agreements with private developers or adopting implementation plans for redevelopment project areas.

■ Property Acquisition

Approval by a super majority of a redevelopment agency board is necessary for the agency to buy property through eminent domain. Whenever a redevelopment agency acquires property, residential and business owners and tenants are entitled to receive relocation assistance.

5. AIR QUALITY MANAGEMENT DISTRICTS

Air quality management districts implement federal, state and local laws against air pollution.

■ **Air Quality Plans**

The California Air Resources Board requires each air quality management district to have an air quality plan to enforce anti-smog laws. The plan must contain measures adequate to achieve five percent per year emission reductions, or must contain all feasible measures and an expeditious adoption schedule. For areas with serious air pollution, the plan would include even stricter regulations.

Anti-smog laws establish air quality standards for air pollutants that cause human health impacts due to release from numerous sources. Unlike most states, California is allowed to adopt emission limitations for motor vehicles and certain other mobile sources of air pollution.

■ **Compliance Procedures**

Every piece of equipment that emits or controls air pollution must be approved by an air quality management district. Approval is granted only if the equipment will comply with emission limitations imposed by the district's rules.

An air quality management district can enforce its permit requirements and other rules through lawsuits seeking monetary penalties. A violation can result in a penalty of up to \$75,000 per day for individuals and up to \$1 million per day for corporations. Enforcement also can be done through criminal prosecutions and by obtaining a court order against the violator.

■ **Hearing Boards**

Each air quality management district has a hearing board that can issue temporary variances allowing non-compliance with the district's rules. The hearing boards also can consider appeals of district staff's permit decisions, and can issue abatement orders against illegal polluters.



1. PUBLIC RECORDS

The California Public Records Act allows the public to inspect and receive copies of most records held by public agencies. This law applies to the state government and to every city, county, school district or other public agency.

■ What Is a Public Record?

With some exceptions, a public record is an item that contains information relating to the public's business and that is prepared, owned, used or retained by a public agency. This means that items such as e-mails, photographs, faxes, and video or audio recordings generally are open to inspection and copying.

Records exempt from public review include documents that involve matters such as national security, trade secrets and personal privacy.

■ Requesting a Public Record

Anyone can request a public record. A public record request need not be in writing. However, putting the request in writing helps the public agency to understand what is being requested.

A public agency must provide assistance if someone needs help focusing a public record request. Many public agencies have pre-printed forms that can be filled out right at the counter.

Once a public record request is made, the public agency has up to 10 days to respond (sometimes longer depending on the circumstances). Many records are made available immediately upon payment of the copying costs or any fee that is mandated by state law. There is usually no charge to simply view a public record without receiving a copy.

2. OPEN MEETINGS

Open meeting laws keep the government decision making process transparent to provide the public with knowledge and the opportunity to participate. The open meeting law that applies to local and regional public agencies is known as the Brown Act.

■ **Notice and Agenda**

Before each meeting of a “legislative body” (such as a city council or a county board of supervisors), a public agency must send notice of the meeting to persons who have requested it. Additionally, an agenda of all items to be discussed or acted on at the meeting must be published.

■ **Public Participation**

During legislative body meetings, members of the public have the right to speak on each agenda item before or during the body’s consideration of the item. Members of the public also have the right to criticize the legislative body’s acts or omissions, as well as the public agency’s policies, programs and services.

A legislative body may adopt reasonable regulations limiting the amount of time for public comment. Additionally, a legislative body may adopt measures to prevent disruptive conduct or irrelevant speech. However, a legislative body cannot impose conditions on public attendance at an open meeting.

■ **Closed Sessions**

A closed session is a portion of a legislative body meeting that the public cannot attend. Legislative bodies may hold closed sessions in limited circumstances. These limited circumstances include matters relating to personnel (complaints or charges against an employee), litigation, real estate negotiations, labor negotiations and public security.



3. ETHICS

California voters passed the Political Reform Act in 1974. This law declares that public officials should perform their duties in an impartial manner free from bias caused by personal financial interests.

■ **Economic Interest Disclosure**

Public officials must regularly file reports that disclose their investments, interests in real property, and sources of income and gifts. These reports are known as statements of economic interests. Any member of the public may view any public official's statement of economic interests.

■ **Conflict of Interest Disqualification**

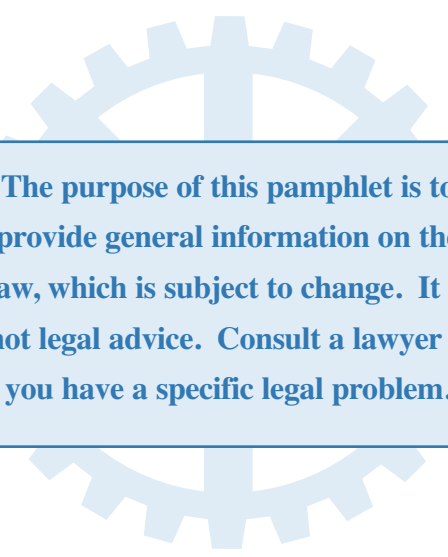
Public officials generally cannot be involved in a governmental decision if the outcome of the decision impacts their personal financial interests. A financial interest exists if it is reasonably foreseeable that the outcome of the decision will have a material financial effect on the public official.

The Fair Political Practices Commission has established rules for determining whether the financial effect of a decision will be material. For example, a public official most likely would be disqualified from voting on a matter involving the construction of a shopping mall across the street from the official's house because the value of the house will be impacted by the new mall.

There are two exceptions to the conflict of interest disqualification. One exception applies when the public official's participation is legally required. The other applies when the decision's financial effect on the public official is not distinguishable from its effect on the public generally.

■ **Acceptance of Gifts**

The value of gifts that a public official is allowed to receive each year from a single source is limited. Gifts include event tickets, meals, travel and similar items. Certain activities and items, such as attending an event at which the public official gives a speech, are exempt from the gift laws.



The purpose of this pamphlet is to provide general information on the law, which is subject to change. It is not legal advice. Consult a lawyer if you have a specific legal problem.

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